



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, }  
Plaintiff, }  
vs. }  
*Mario A. Escareno,*  
Defendant. }  
\_\_\_\_\_  
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Case No.: *EDCR 08-98-VAP*  
ORDER OF DETENTION

I.

A.  On motion of the Government in a case allegedly involving:

1.  a crime of violence.
2.  an offense with maximum sentence of life imprisonment or death.
3.  a narcotics or controlled substance offense with maximum sentence of ten or more years.
4.  a felony where defendant convicted of two or more prior offenses described above.

B.  On motion by the Government in a case allegedly involving:

1.  A serious risk defendant will flee.
2.  A serious risk defendant will:
  - a.  Obstruct or attempt to obstruct justice.
  - b.  Threaten, injure or intimidate a prospective witness or juror, or

1 attempt to do so.

2 C. The Government ( ) is ~~X~~ is not entitled to a rebuttable presumption that no  
3 condition or combination of conditions will reasonably assure defendant's  
4 appearance as required and the safety of any person or the community.

5 II.

6 The Court finds that no condition or combination of conditions will reasonably  
7 assure:

8 A. ~~X~~ The appearance of defendant as required.  
9 B. ( ) The safety of any person or the community.

10 III.

11 The Court has considered:

12 A. The nature and circumstances of the offenses;  
13 B. The weight of evidence against the defendant;  
14 C. The history and characteristics of the defendant; and  
15 D. The nature and seriousness of the danger to any person or the community.

16 IV.

17 The Court has considered all the evidence adduced at the hearing and the  
18 arguments and/or statements of counsel.

19 V.

20 The Court bases the foregoing finding(s) on the following:

21 A. ~~X~~ Flight risk: *prior criminal history, prior drug use,*  
*prior failures to appear for court appearances and*  
*probation, insufficient bail resources, ties*  
*to Mexico, gang ties, possible deportation*  
22  
23  
24  
25 B. ( ) Danger: \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

1 C.  See also Pretrial Services Report/recommendation.

2 D.  Defendant has not rebutted by sufficient evidence to the contrary the  
3 presumption provided by statute.

4 VI.

5 A. The Court finds that a serious risk exists that defendant will:

6 1.  obstruct or attempt to obstruct justice.

7 2.  threaten, injure, or intimidate a witness/juror.

8 3.  attempt to threaten, injure, or intimidate a witness/juror.

9 B. The Court bases the foregoing finding(s) on the following:

10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 4.  See also Pretrial Services Report/recommendation.

14 VII.

15 A. IT IS THEREFORE ORDERED that defendant be detained prior to trial.

16 B. IT IS FURTHER ORDERED that defendant be committed to the custody of the  
17 Attorney General for confinement in a corrections facility separate, to the extent  
18 practicable, from persons awaiting or serving sentences or being held in custody  
19 pending appeal.

20 C. IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity  
21 for private consultation with counsel.

22 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
23 request of any attorney for the Government, the person in charge of the corrections  
24 facility in which defendant is confined deliver defendant to a United States  
25 Marshal for the purpose of an appearance in connection with a court proceeding.

26 DATED: \_\_\_\_\_

8/11/08

  
27 HONORABLE OSWALD PARADA  
28 United States Magistrate Judge